

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

LORI RODGER and LISA ROHELIA
as Co-Executrix of the ESTATE OF
ZELIO DOS SANTOS,
Plaintiffs,

v.

ELMHURST OPERATOR LLC d/b/a
ELMHURTS REHABILITATION &
HEALTHCARE CENTER, et al.,
Defendants.

C.A. No. 24-61-JJM-PAS

OMNIBUS ORDER

I. DISCOVERY MOTIONS

Plaintiffs have filed four discovery motions with the Court. ECF Nos. 37, 38, 39, and 40. Defendants have objected to all of them. ECF Nos. 41, 45, 43, 44. The Plaintiffs filed replies. ECF Nos. 48, 49, 47, and 46. And there was a sur-reply to a reply No 49. ECF No. 50.

A thorough review of the voluminous motion papers shows that the Plaintiff has sought reasonable, proportional, and relevant discovery, and the Defendants have interjected inappropriate objections, and failed to fully answer the basic factual discovery.

ECF No. 37

GRANTED. Each of the interrogatories seeks discoverable information that the Defendants must provide. The answers are less than thorough and do not meet

the party's obligation under the discovery rules. The objections are overly broad and inappropriately asserted. The Defendants shall fully answer each of the discovery requests within 14 days and all objections are stricken.

Scheduling Order: Factual Discovery to be completed by 10/01/2025; Plaintiff Expert Disclosures shall be made by 11/03/2025; Defendant Expert Disclosures shall be made by 12/01/2025; All Expert Discovery to be completed by 01/05/2026; Dispositive Motions to be filed by 02/06/2026.

ECF No. 38

GRANTED as above. A request for attorneys' fees, however, is denied at this time but will be considered in the future if all the discovery is not completely, thoroughly, and timely provided.

ECF No. 39

GRANTED (the Plaintiffs' Motion to Compel (ECF No. 39)) and DENIED (the Defendants' Motion for a Protective Order (ECF No. 43)). The Plaintiffs' request for a Fed. R. Civ. P. 30(b)(6) designated representative of the Defendants is an appropriate tool of discovery and the request here is relevant, proportional, and not unduly burdensome. If the Defendants are experiencing staffing shortage, then the parties should coordinate and take that into consideration when setting the date, time, and location of the deposition(s).

ECF No. 40

GRANTED (the Plaintiffs' Motion to Compel (ECF No. 40)) and DENIED (the Defendants' Motion for a Protective Order (ECF No. 44)).

II. MOTION FOR JUDGMENT ON THE PLEADINGS

Defendant Estate of Yonah Kohn moves for judgment on the pleadings alleging that the Plaintiffs' claims are time-barred under Illinois probate law. The Plaintiffs are correct that the motion is not ripe and premature because the issue of whether there is insurance coverage is not resolved. The Court Denies Defendants Estate of Yonah Kohn's Motion for Judgement on the Pleadings. ECF No. 42.

IT IS SO ORDERED.

s/John J. McConnell, Jr.

John J. McConnell, Jr.
Chief Judge
United States District Court
for the District of Rhode Island

March 20, 2025